

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN INFANTE, as an individual  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

LUXOTTICA RETAIL,

Defendant.

No. C 17-05145 WHA

**ORDER GRANTING JOINT  
MOTION TO TRANSFER VENUE  
AND VACATING HEARING**

Section 1404(a) of Title 28 of the United States Code provides that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.”

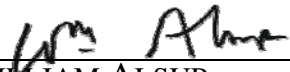
Here, all parties have consented to transfer venue to the Eastern District of New York where a similar action was filed on the same day. *See Ariza & Soukup v. Luxottica Retail N. Am. d/b/a LensCrafters*, Case No. 1:17-cv-05216 PKC (Judge Pamela Chen). Both actions concern LensCrafters’ alleged representations and advertisements for its AccuFit Digital Measurement System, and whether those alleged representations violate certain consumer protection statutes. The parties are now seeking to consolidate this action with the New York action as well as a suit filed in Florida, *Tenagila v. Luxottica Retail N. Am. d/b/a LensCrafters*, Case No. 2:17-cv-14311 DMM (Judge Donald Middlebrooks), which has already been transferred to the Eastern District of New York by consent of the parties. They submit that all

1 three cases involve overlapping witnesses and documents, and that transfer will further promote  
2 the interest of justice by conserving the parties' and the courts' resources and avoiding the  
3 possibility of conflicting outcomes.

4 Having considered the parties' joint motion, it is **HEREBY ORDERED** that the Clerk  
5 **SHALL TRANSFER** this action to the Eastern District of New York and **CLOSE THE FILE**. The  
6 hearing on this motion is **VACATED**.

7  
8 **IT IS SO ORDERED.**

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11 Dated: November 1, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE